

# **MONTANA DEPARTMENT OF LIVESTOCK**



## **BOARD OF LIVESTOCK MEETING MINUTES**

**NOVEMBER 5 & 6, 2007**

**MONDAY 1:00 P.M. - TUESDAY 8:00 A.M.**

Scott Hart Auditorium 305 N. Roberts

Helena MT 59601

**Monday, November 5, 2007**

**DRAFT**

### **Board of Livestock Members Present:**

Bill Hedstrom, Chairman, representing dairy and egg producers  
Stan Boone, Member, representing cattle producers  
Jan French, Vice Chair, representing pork producers  
George Hammond, Member, representing cattle producers  
Bill Hedstrom, Chairman, representing dairy and egg producers  
Linda Nielsen, Member, representing cattle producers  
Meg Smith, Member, representing cattle producers  
Becky Weed, Member, representing sheep producers

### **Staff:**

Marty Clark, Assistant Administrator, Brands Enforcement Division  
John Q Grainger, Administrator, Brands Enforcement Division  
George Harris, Administrator, Centralized Services Division  
Clyde Huseby, Health Investigator, Animal Health Division  
Dr Bill Layton, Administrator Diagnostic Laboratory  
Christian Mackay, Executive Officer  
Steve Merritt, Public Information Officer  
Janet Nick, Accountant, Centralized Services Division  
Monte Nick, Chief, Milk Control Bureau  
Carol Olmstead, Chief, Meat Inspection Bureau  
Dr. Jeanne Rankin, Assistant State Veterinarian, Animal Health Division  
Sherry Rust, Administrative Assistant, Recorder  
Evaleen Starkel, Administrative Specialist, Alternative Livestock, Animal Health Division  
Rob Tierney, Head, Bison Management Program, Animal Health Division  
Dan Turcotte, Chief, Milk, and Egg Bureau  
Dr. Marty Zaluski, State Veterinarian/Administrator, Animal Health Division

### **Guests:**

Dwayne Trevino, Deep Well Ranch	Jock Anderson, Meadow Gold
Heather Malcolm, producer	Pam Joehler, Legislative Fiscal Division
Sandra Miller Peck, rancher	Bill Garrison, producer
Anna Robinette, producer	Taylor Brown, Northern Broadcasting
Cindy Donohoe	Errol Rice, Montana Stockgrowers Assn.
Dave Robinette, producer	Raemarie Gorden, producer
Jack Ross, producer	Ben Lamb, Montana Wildlife Federation
Nancy Espy, Powder River Co. Commissioner	John Munding, producer
Bruce Yanzick	Nancy Schlepp, Montana Farm Bureau
Theo Yanzick	Ed Lord, Montana Beef Council
Ariel Overstreet, Agri News	Larry VanDyke, producer
Steve Pilcher, producer	Lew Wilks, producer
Bill Tash, Senator SD 36	Allen Martinell, producer

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Clyde Greer, Board of Milk Board  
Jeanne Souvigney, Great Yellowstone Coalition  
Jeremy Seidlitz, Montana Cattlemens Association  
Alan Shaw, Royal Teton Ranch  
Richard Kinkie, producer  
Jim Hagenbarth, producer

Yvonne Martinell, producer  
Charlene Schuster, Montana Beef Council  
John Bloomquist, attorney  
Peter R. Hofer, producer  
Alta Redfield, rancher  
Kate Gordon, Royal Teton Ranch

**Call to Order and Board Communications:**

Chairman Bill Hedstrom called the meeting to order at 1:05 p.m.

- Becky Weed said things are quiet in the sheep industry.
- George Hammond agreed there is not much going on in the southwestern part of the state either.
- Jan French said the weather is good, some moisture. Prices are way down and feed way up. The butcher price is down to 35¢ and barley up to \$10 per hundred
- Linda Nielsen noted that cattle numbers are growing in the market each week. Weather is good and her area is recovering from the last windstorm.
- Meg Smith said they had snow and rain which turned to mud. It is greener than it was this summer. There is still much wolf/bear/livestock conflicts in the Divide/Glen area.
- Stan Boone agreed that the Ingomar country is in the best shape he can recall, greenest ever. He said the Bluetongue outbreak hit antelope herds hard.
- Bill Hedstrom noted his big concern as grain prices, they are paying \$12.30 at the elevator right now.

**Approval of Minutes:**

**The minutes of the September 17 and 18, 2007 meeting were accepted as corrected.**

**Approval of Executive Officer Reports:**

The Board discussed the lack of monthly administrative reports and the lack of communication. Several members said they had not seen the reports which were sent out by email and hard copy from Helena early in the month.

**Jan French moved to table approval of the Executive Officer reports until tomorrow to allow all Board members time to read the reports. George Hammond seconded.**  
**The motion carried unanimously.**

**Approval of Chairman Interim Authorizations and Activities:**

Chairman Bill Hedstrom said he had nothing to report; no authorizations or activities so no need for approval.

**Set Date for Next BOL Meeting:**

Chairman Hedstrom set the next meeting for January 21 and 22, 2007.

**Presentation of Longevity Pins:**

Chairman Hedstrom presented the following longevity pins to department employees and board members.

- |  |          |
|--|----------|
| • George Harris, Centralized Services Division | 30 years |
| • George Hammond, Board member                 | 11 years |
| • Dr Bill Layton, Diagnostic Lab               | 15 years |
| • Meg Smith, Board member                      | 11 years |
| • Rob Tierney, Bison Management                | 25 years |

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John Grainger, Administrator Brands Enforcement, said he presented pins to the following Brands personnel:

• Tyler Thomas	5 years
• Wayne Shipp	5 years
• John Jones	15 years
• Ted Wall	15 years
• Darcy Anderson	20 years
• Mark Feist	25 years
• Mark Elings	30 years
• Bill Blankenship	35 years
• Gary Anderson	40 years

**Lifetime Bull Inspection:**

John Grainger explained a request made to investigate the possibility of lifetime bull inspections. The request came from a couple of local livestock producers who leave and return to the state weekly. He presented the Board with his investigative findings and a draft of the inspection noting that Wyoming and Washington already have bull lifetime permits. Board members discussed concerns that would it eventually include roping steers.

**George Hammond moved to postpone definitely to the January meeting so Mr. Grainger can provide details of the proposal. Jan French seconded.**  
**The motion carried unanimously.**

**Request for a Hearing Officer on the Milk Control Issue:**

**Jan French moved to rescind the motion made and carried at the September 2007 board meeting requesting a hearing on the Milk Control issue. Stan Boone seconded.**

The question is who has the authority over the Milk Control issue Board of Livestock or Milk Control Board. Since the issue was not on the agenda for the September meeting, the motion must be rescinded on a technicality.

**The motion carried unanimously.**

Chairman Bill Hedstrom asked for a motion to call for a hearing before the Board of Livestock explaining the necessity of making a deadline to encourage compromise between opposing parties to resolve the issues. Board members commented that they need more information on the issue and expressed the hope of an agreement to avert BOL action.

**George Hammond moved to bring the Milk Control issue to the floor for discussion. Linda Nielson seconded.**

Linda Nielsen said she seconded the motion thinking it was to postpone discussion until the next meeting. She then made the following motion:

**Linda Nielsen moved to postpone definitely to the next meeting the Milk Control issue. Jan French seconded. A voice vote was taken and the motion carried. Members voted as follows:**

<b><u>Jan French</u></b>	<b><u>yes</u></b>	<b><u>Linda Nielsen</u></b>	<b><u>yes</u></b>
<b><u>Becky Weed</u></b>	<b><u>yes</u></b>	<b><u>Stan Boone</u></b>	<b><u>yes</u></b>
<b><u>George Hammond</u></b>	<b><u>abstained</u></b>	<b><u>Meq Smith</u></b>	<b><u>abstained.</u></b>

The Board delayed discussion to enable the opposing sides to confer and try to come to agreement. This would also allow the board to become better educated on the issues involved.

**Interagency Bison Management Plan Operating Procedures:**

Dr. Zaluski provided the latest version of the draft IBMP Operating Procedures stating that this document provides the framework for and outlines what agencies will be doing this season. He noted some significant changes in the wording such as to strike "subsequent discussions.....", strike all references to "strategic hazing", concession from the Park to haze deeper into the Park rather than just to the Park line and said who handles trucking of bison ( on page 6) is still under discussion. Dr. Zaluski explained that a variety of minor changes not affecting the final document still being worked on. He requested Board authorization for himself and Christian Mackay to sign the completed document after providing a copy of the final draft for Board review.

**Meq Smith moved to adopt the old IBMP Operating Procedures. George Hammond seconded.**

Board members requested input from John Munding on the proposed changes. Mr. Munding recommended the board approve the operating procedures as proposed by Dr. Zaluski saying the new document is a step forward. As presented, it now reflects what has been learned from five years of implementation and there is more clarification of tolerance of bison outside the Park on the West Side and accommodation of the bison season. The wording provides flexibility working with the hunt. Board comments included the possible tolerance of bison on the Horse Butte area and the former Munns property during certain times of the year, control of numbers, concerns regarding bison calving there, and that bison will cross onto leased Myers property where cattle range. Rob Tierney briefly explained former management activity and plans for this year.

**Meq Smith moved rescinded her motion to accept the old IBMP.**  
**George Hammond rescinded his second to that motion.**

**Jan French moved to accept the new modified version of the IBMP Operating Procedure.**  
**Linda Nielsen seconded.**

John Bloomquist questioned the phrase "after Feb 15 and upon completion of the hunt...." on page 4 under Bison Distribution paragraph 3, saying that the intent of the operating procedure will not allow the hunt to prevent the IBMP implementation prior to Feb 15. He expressed the need for complete clarity that the vision of IBMP and management measures of the IBMP not be subject to implementation after February 15. The EIA prepared by FWP in 2004 made it very clear that the hunt will not affect any of the other management measures of the IBMP. The operating procedures need to be consistent with the IBMP & record of decision. This sentence taken out of context, by itself the phrase means that you have to wait until Feb. 15, until the end of the hunt to implement the IBMP. He suggested dropping that sentence.

Dr. Zaluski agreed with the suggestion to delete the sentence.

John Munding also agreed.

**Stan moved to strike the last sentence on page 4 paragraph 3 "bison distribution..." in the proposed 2007 operating procedure plan. Jan French seconded.**

**The motion carried unanimously.**

Board discussion continued citing inconsistent wording on various pages. Concerns included preclusion of hazing management by the department during the hunt, the intention to allow implementation of various management tools, can you haze and capture during the hunt if needed. A suggestion was made concerning hazing Nov 15 to Feb 15 to include "hunting of bison subject to the authority of the State Veterinarian".

**Becky moved to amend the main motion to read under the section called Hunting Bison, item 3, first sentence to add "as determined by the St Vet. Stan seconded.**

**The motion carried unanimously.**

John Bloomquist stated for the record that his understanding is hunting of bison will not affect any other management made in the IBMP during the hunting season and requested confirmation. Dr.

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Zaluski agreed that the objective is the maintenance of the temporal and spatial separation, but added there probably will be increased tolerance for those animals in Montana during the hunting season.

Christian Mackay said Fish, Wildlife, and Parks is the lead agency for Royal Teton Ranch negotiations. Any questions regarding that issue should be addressed to Pat Flowers, at FWP. The

changes in the management plan reflect negotiations between the five partners of the IBMP.

John Munding noted this is the five agency plan on how to implement management this season, mainly affecting the west area.

Dr. Zaluski said the other partners might suggest small edits and asked that the board grant himself and Mr. Mackay some leeway to agree to those minor changes. The board will be kept apprised of any changes prior to signature on the final document.

**Jan French moved to table the motion to accept the draft until 8:00 a.m. Tuesday. Linda Nielsen seconded.**

**The motion carried unanimously.**

**Review of Bylaws:**

The Board annually reviews the bylaws to look for updates and changes as needed. In previous meetings, the bylaws were called into question as to whether it was legal for this board to make bylaws. A draft of policy and procedures proposed to replace the bylaws contains no substantive changes. The proposal will be studied by the board and discussed at the next meeting.

**George Hammond moved to accept the old bylaws. Meg seconded.**

Discussion on the motion will follow the upcoming break.

**Division Updates:**

DIAGNOSTIC LABORATORY REPORT

AAVLD Meeting - Dr. Layton reviewed his activities while attending the AAVLD meeting in Reno November 13 through 17, 2007 adding that he is now the Quality Assurance chairman.

AAVLD accreditation - He thanked Becky Weed, Meg Smith, Dr Zaluski, Christian Mackay, and former board members Jeremy Kinross Wright, and John Paugh for attending and participating. A draft copy of assessment in will be available in December with the follow up interview in February 2008. He feels the main concerns are infrastructure, budget, and salaries. Long term considerations include forming a task force to combine or set up new facility. The Marsh Lab is 61 years old, becoming outdated and security becomes an issue in a facility that old.

Assistant Administrator Proposal - Dr Layton explained that there has been no assistant administrator since 2001 because of retirements and loss of employees. He proposed training one of the existing pathologists vs. adding a new position to fill that gap. Compensation for the appointed assistant administrator would be par for the position.

MILK & EGG BUREAU

Pesticide Positive Milk Sample - Dan Turcotte reported that last Friday he received a preliminary positive report for pesticide. Efforts continue to trace it back to the producer. Dan will follow up and keep the Board informed as findings come in. The contaminated milk must be dumped until the contaminant is eliminated.

New Employee - Todd Gahagan has been hired part time and will be covering the Country Classic plant in Bozeman.

Dairy News - Dan reported that Bostana dairy in Sidney burned earlier this year and is probably not coming back. That facility had a herd of 1200 head. He commented that the trend now is for dairies to combine in a cost cutting effort. The department will notice the effect in lower fee collection.

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**Recess:**

The board recessed at 3:15 p.m. for a fifteen minute break.

**Reconvene:**

The meeting was reconvened at 3:30 p.m.

**Wildlife Services:**

Helicopter Update - Kraig Glazier, USDA APHIS Wildlife Services, updated the board on recent WS activities. He said the agency owned helicopter that crashed some time back, will be available until February just in time for the busy calving season.

Avian Influenza - He explained that in addition to predator control WS and FWP each take 705 Avian Influenza samples which are then tested at the state diagnostic lab. No high-path Avian Influenza was detected in samples this taken this year.

Wolf & Predator Activity - Mr. Glazier said wolf activity almost doubled over last year with FWP reporting that the wolf population is up 20% to about 398 wolves. Other predator incidents such as black bear are up because the dry conditions mean less forage. Wolf predation investigations are ongoing in Madison Gravelies, south of Dillon, and near Augusta.

**Open Microphone**

Neil Ugrin, Great Falls attorney representing the Montana Milk Producers Association regarding the bureau/board issue recapped the MMPA position by saying for years it has been clear that the Milk Control Board exercised jurisdiction over milk claims, while the Department of Livestock has jurisdiction only in matters of preceding and academic control. It is clear in statute that the power to regulate remains with Milk Control and the intent of the legislature is quite clear. The way to resolve these issues is to get to understand the issues and see if they can be resolved. He is happy with the board's last motion because he could say with certainty that board action would be litigated. MMPA would like to put an end to this, work out who does what, and follow the statute and regulations. MMPA will be happy to be most cooperative and discuss issues with MBS and BOL, assess the situation and try to reasonably resolve the issues.

Jim Hagenbarth, producer, commented that bison management is a difficult issue and it is a long road to a resolution. He asked the board to give Dr. Zaluski the support to run the program and in making good decisions for the industry. Hopefully the traps will be put back on the West side and the goal of controlling the number of animals out of Park can be achieved, just as the Park Service did two years ago at Gardiner. He thanked the board for considering the issue overnight and asked the industry to support Dr. Zaluski because he will need it.

Larry Van Dyk, Dairy Board member, provided a brief history of the Milk Control Board. There were 214 producers in 1990 now only 82 remain. The Board of Livestock has authority on health and the Milk Control Board has authority on rules, as a means of protection for producers.

Taylor Brown, Northern Ag Network, observed that lately BOL meetings have drawn bigger crowds than ever before in history of the board. Producers realize the big change in board members and new employees and understand the learning curve to getting up to speed. Taylor said everyone is doing a tremendous job of calling producers for need help understanding issues. He advised new board members, Mr. McKay, and Dr. Zaluski to pick out the people who can help. Use those who have studied the issue for the last ten or more years, rely on those people who have been thru it before.

Christian Mackay introduced and welcomed the new Public Information Officer, Steve Merritt.

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Peter Hofer, speaking for Montana Milk Producers Association, said some of the Milk Control issues are not called for and are inappropriate. He urged all to try to settle the issues diplomatically so the producers can stay home and do their jobs.

Neil Ugrin respectfully suggested that the Board of Livestock speak to legal council before moving on the Milk Control issue tomorrow saying there could be a possible legal problem for the board if they go forward now.

Chairman Hedstrom announced that the Beef Council dinner for Board of Livestock members starts at 6:30 p.m. at Jorgensons. The public is welcome to attend at their own expense.

**Adjournment**

Chairman Hedstrom adjourned the meeting at 4:45 p.m.

**The Board called an Executive session.**

Personal right to privacy exceeds the public right to know.

**6:30 p.m. Montana Beef Council Dinner and Presentation to the Board of Livestock**

**BOL members present**

Stan Boone, member  
Jan French, Vice-chair  
George Hammond, member  
Bill Hedstrom, Chairman

Linda Nielsen, member  
Meg Smith, member  
Becky Weed, member

**BOL Staff**

Christian Mackay, Executive Officer  
Dr. Jeanne Rankin, Assistant State Veterinarian, Animal Health Division  
Carol Olmstead, Chief, Meat Inspection Bureau  
John Q Grainger, Administrator, Brands Enforcement Division  
Marty Clark, Assistant Administrator, Brands Enforcement Division  
Steve Merritt, Public Information Officer  
Sherry Rust, Administrative Assistant, recorder

**MBC members**

Steve Harmon, President Montana Beef Council  
Ed Lord, Montana Beef Council member  
Charlene Schuster, Montana Beef Council facilitator

**Guests:**

Amy Bamber, staff guest  
Taylor Brown, media guest  
Mrs. Jo Hammond, wife of BOL member

Mrs. Stan Boone, wife of BOL member  
Carol Mosher, producer

Charlene Schuster provided a Power Point presentation outlining the duties and functions of the beef council, where the funds go, and how the Board of Livestock and the Montana Beef Council interact. In closing, Ms. Schuster invited everyone to attend the NW FMD Summit in Billings on December 12, 2007 and the next MBC board meeting on January 7, 2008.

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**Tuesday, November 6, 2007**

**Board of Livestock Present:**

Stan Boone, Member, representing cattle producers  
Jan French, Vice Chair, representing pork producers  
George Hammond, Member, representing cattle producers  
Bill Hedstrom, Chairman, representing dairy and egg producers  
Linda Nielsen, Member, representing cattle producers  
Meg Smith, Member, representing cattle producers  
Becky Weed, Member, representing sheep producers

**Staff:**

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George Harris, Administrator, Centralized Services Division  
Clyde Huseby, Health Investigator, Animal Health Division  
Christian Mackay, Executive Officer  
Steve Merritt, Public Information Officer  
Carol Olmstead, Chief, Meat Inspection Bureau  
Dr. Jeanne Rankin, Assistant State Veterinarian, Animal Health Division  
Sherry Rust, Administrative Assistant, Recorder  
Evaleen Starkel, Administrative Specialist, Alternative Livestock, Animal Health Division  
Dan Turcotte, Chief, Milk, and Egg Bureau  
Dr. Marty Zaluski, State Veterinarian/Administrator, Animal Health Division

**Guests:**

Pat Povah, Citizens for Balanced Use/Deepwell Ranch	Debby Barrett, Dillon
Dwayne Trevino, Deepwell Ranch	Carol Mosher, Augusta
Richard Kinkie, Pray	W E Almay, Townsend
Druska Kinkie, Pray	Ross Hansen, Dell
Les Graham	Heather Malcolm, Livingston
Bill Tash, SD 35, Dillon	Roger Indreland, Big Timber
Marc King, Big Timber	Allen Redfield, Livingston
Tom Rice, Dillon	Anna Robinette, Nye
Jim Hagenbarth,	Doug Robinette, Nye
Sandra Miller Peck, Absarokee	Jack Ross, Absarokee
Bruce Yanzick, Absarokee	Cindy Donohue, Luther
Theo Yanzick, Absarokee	Brent Sinnema, Manhattan
Ranger Dykema, Manhatton	Lew Wilks, Livingston
Gail Vennes, Townsend	Don & Bobbie Woerner, Laurel
Jim Durgan, Park Co. Commissioner	Steve Pilcher, Helena
Dinae Rice, Harrison	Ken Mesaros, Cascade
Ned Zimmerman, Wilsall	Karla Johnson, E Helena
Tom Lane, Livingston	John Conley
Gary Clark, Ennis	Dave Schulz, Virginia City
Bruce Malcolm, Emigrant	Lane White, Two Dot
Gary Leppink, Two Dot	Yvonne Martinell, Dell
Allen Martinell, Dell	Jim & Nancy Espy, Broadus
Seth Broesder, Congressman Rheberg's Ofc.	Bill Darrien, Glen
Bill Meyers, Reed Point	Ben Lamb, MT Wildlife Federation
Amy McNamara, Bozeman	Tim Stevens, Livingston
Mary Ann Nichalen, Dillon	Jeanne Souvigny



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Shannon Ruckman, Lewistown  
Robert Sitz, Harrison  
Nicole Griffin, Ismay  
Dr Ryan Clark, USDA APHIS  
Alan Shaw, Royal Teton Ranch

Greg Stronecker, Three Forks  
Maureen Davey, Stillwater Co. Comm.

**Chairman Bill Hedstrom called the meeting to order at 8:00 a.m.**

**Split State Status**

Bill Almy, producer, commented that other state veterinarians receiving Montana cattle must ratify or recognize our split state status. He noted that about 94 % of our feeder cattle go to 7 states, 40% heifers, and 60% steers. Annually about 134, 000 heifers go out of state. Producers shipping out of state must meet the health requirements of the receiving state. The 7 large states involved here may have a different view of split state status.

Lew Wilks, Livingston, proposed a proactive plan for producer herd management. Speaking against split state status, he argued that it will affect the seven county area surrounding the Greater Yellowstone ecosystem which contains 17% of Montana producers and 19% of the state's cattle. He continued there are already restrictions and additional test requirements in North Dakota, South Dakota, Kansas, and additional testing barriers in Iowa. From the international trade prospective split state status can trigger imports from brucellosis isolated areas in Mexico & Argentina, cause adverse implications regarding the label & market of Montana cattle, seed stock & feedlot buyers will force minimum price reduction pressure, and a significant number of buyers will avoid Montana livestock entirely. The APHIS application process could require significant manpower and budget just to do the application, and may not be approved by APHIS, no guarantees.

He advocated the plan put together by producers from the proposed split state status area saying it empowers the producers to act in a proactive manner, is a positive plan that is adaptive and flexible, takes into account herd range, characteristics and risk factors for each individual producer. Each herd plan is producer developed by working with APHIS and local practitioners to provide enhanced surveillance, using sound science and best management practices as cornerstone for brucellosis disease control. Tools included in the plan are prevention of elk and bison commingling with cattle, fenced stack yards, adult vaccination of mature cattle, delayed turnout, and 100% brucellosis official calfhood vaccination.

Jeremy Seidlitz, Montana Cattlemens Association, said his organization passed a resolution at the Cattlemens Day Annual Convention supporting the herd management plan. As an organization, the MCA supports split state status as a short term solution to mitigate the risk. The MCA Board of Directors passed a resolution urging the Board of Livestock to pursue the 11 steps as defined by APHIS. In MCA sponsored town meetings, producer's opinions were mixed. In Miles City, the majority of the approximate forty five producers opposed split state status. About 60 attended the Lewistown meeting with seven of nine signing the voting sheet for split state status. The 40 or so attendees at Lonepine seemed to favor split state status.

Les Graham, former executive officer of the Department of Livestock, said the issue is brucellosis. Within that is the wildlife that keeps creating or recreating the problem for cattle. In traveling over 6,000 miles to visit with producers across the state, he found that the herd management concept has almost undivided and widespread support. He advocated taking the proactive approach to minimize the risk of contracting the disease and to keep the disease as the focus point, aid producers in applying for Federal Brucellosis Free Herd certification. Everything the board needs for disease control is in the statutes for the department. He urged the Board to utilize the laws and rules to control disease.

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Bill Tash, SD 36, commented that a concerted effort state wide rather than split state status might be the solution. Better focus to keep the feet to the fire the ones that should be dealing with the brucellosis problem.

Tom Lane, Livingston producer, spoke against split state status, citing his sale last week where he had to run each animal individually through the chute in order to obtain a permit. He said this shows there is already backlash from the brucellosis problem. He suggested using barriers (fences) on the North and West sides of Yellowstone Park to keep buffalo in. Another solution is to let hunting commence inside the park.

Diane Rice, HD 71 representing Madison & Jefferson Counties, addressed on legal & statutory requirements. She questioned the authority of Board of Livestock to create split state status citing the need for statutory and regulatory changes prior to beginning the process.

Ken Mesaros, Cascade rancher, stated that the 11 step criteria are very complex and convoluted. No one knows what will actually be implemented on the ground but it will be at a high price. He said in the early 1990's when bison began coming out of park Montana did not lose its brucellosis status but some states imposed sanctions anyway. He urged the board to protect producers, and use the MOU's with Departments of Interior and Agriculture to address this ongoing and serious problem.

Nancy Espy, former board member for 18 years, suggested the board follow state statutes and ARM rules to stay free from legal issues and to listen to the producers, their greatest resource. The future of livestock industry in Montana is at a crisis. The producers trust the board to take the history and input provided here to come to the best solution for the industry.

Jim Hagenbarth, southwestern Montana producer, said his family has ranched in the Greater Yellowstone area since 1880. They battled brucellosis since 1973 through management plan testing and vaccinating at a cost of \$275,000. They got the job done and have never had the disease regardless of neighbors or elk. Producer obligation is protect our herds and stand up as an industry to force the park service to manage those bison. The Bison herd is forced to stay in the park and starve, or come out and be shot. Producers must work together as a state and address brucellosis, work together to achieve the goal of getting the zoonotic disease out of wildlife. The time is now to stand up and eliminate and destroy the disease, producers stand behind the board in this effort.

Bob Sitz, producer Madison & Beaverhead counties, suggested the board look to the source and deal with it or it will go on and on forever. Unite the state, not divide it, and take care of the disease. Stop the spread of the disease and urge management of bison within the park.

Errol Rice, Montana Stock Growers Association, referring to written comments presented to the board that question split state status. Montana could run the risk of being the only state within the United States with Class A area in the state. Idaho lost their status and within 14 months regained it. Our risk is equal or less than Idaho's. The United States Animal Health Association passed a resolution in committee on brucellosis to urge U.S. Departments of Agriculture and Interior and the governors of Montana, Wyoming, and Idaho to take action to eliminate the last vestiges of brucellosis abortus in the United States. Mr. Rice urged the board to request the administration to sign the MOU and forward it to Idaho & Wyoming to get the GYIBC up and running.

Dwayne Trevino, foreman Deep Well Ranch representing Povah family, said the park has not managed the bison herd since 1967. The park must go back to managing their stock by taking the number and grazing area they have for all grazing animals. There are too many elk and too many bison for the grazing area within the park. They must knock the herd down, take more bulls, and

allow more hunting. The park is not doing their job in managing bison. He urged everyone to put pressure on the park; contact our legislators to make them do their job.

Debbie Barrett, Representative HD 72 Beaverhead County, reiterated that laws exist to deal with this situation the board just needs to follow them. She stated her opinion that split state status is unconstitutional under the *right to a clean and healthy environment* and Article 12, Section 1, Agriculture. *to protect enhance, and develop all of agriculture.*

Jim Durgen, Park County Commissioner, presented a copy of the Montana Association of Counties Ag Committee resolution and the Park County position statement on split state status. He then read a portion of each document into the record as follows:

Position statement:

*The Park County Commissioners unequivocally reject the concept of split state status for the management of brucellosis in the state of Montana. Furthermore, we totally support the attached document as submitted by the Park County cattle producers in Park County, Montana, as herein attached.*

The MACO resolution entitled *Montana Split State*:

*It is the intent of MACO to oppose any action creating artificial boundaries or a split state status,  
Whereas, the state of Montana has confirmed the existence of brucellosis in a commercial cattle operation and,  
Whereas the need exists for a program providing responsible management guidelines insuring continued health of Montana cattle industry without creating artificial boundaries or a split state status,  
Now therefore be it resolved that Montana Association of Counties oppose any action creating split state status which could and likely would threaten the health of the Montana cattle industry.*

Tom Rice, Beaverhead County Commissioner, submitted a letter to board from the Beaverhead County Commissioners. He read the first and last paragraph into the record:

*After a 70 year effort and over \$3.5 billion cost the federal and state agencies and the livestock industry were successful in essentially eradicating brucellosis from domestic cattle herds in the United States. This resulted in decreasing the risk of contracting undulant fever for those working with livestock, slaughter-house employees, consumers using unpastuerized dairy products, the exposure of wildlife to brucellosis from domestic livestock was eliminated.*

*In seeking a responsible proactive solution the Beaverhead County Commissioners ask you to reject the concept of split state status. We ask you to support management actions that will minimize the brucellosis risk to cattle, ranchers, the public, and aggressively strive to eliminate the disease from wildlife in the Greater Yellowstone area.*

Maureen Davey, Commissioner Stillwater County, stated her constituents oppose split state status. A second MACO Ag Committee resolution opposing the proposed buffer zone around the park passed. There are too many bison in the Park and they need to be managed.

Bill Meyers, West Yellowstone producer, encouraged the governors to sign the MOU and allow department employees on the ground and the State Veterinarian to do their job. He suggested going back to mandatory calfhood vaccinations and commented the proposed 25 years of vaccination to eradicate the disease is too long for current producers to wait.

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John Crumly, president Madison Valley Ranchland Group, cited the assets of living close to Yellowstone Park as it always rains, good grass, cattle are fat. Liabilities include no producer control, and the large number of non resident owners with different views on brucellosis. He commented on the need to educate those people to get them on our side.

Dave Schulz, Commissioner Madison County, said later today in Pony, Montana, the commission is addressing the split state status. They will oppose it and get a copy of that to the board later. He further commented that as producers struggle with economics and it becomes too difficult to stay in business the solution comes back to subdivision. Split state status is not the direction to take; there are better ways as a state to work together.

Dr Ryan Clarke, USDA APHIS, addressed vaccination by giving a history of vaccines. He explained the new RB51 does not cause false positives on tests therefore if cattle are adult vaccinated with RB 51 they will not be sanctioned except perhaps with seed stock internationally. He voiced approval of Dr. Zalusky's herd plans and adult booster vaccinations.

Gary Leferink, ranch manager, noted that his ranch has some land in and some out of the proposed hot zone and many neighbors in the same boat. He said creating an artificial boundary is not a long range solution and questioned the position of producers in his situation. He said address the real problem, the buffalo in the Park, adding the Park Service needs to address the issue. Split state sends the wrong message to other states.

Dr Zaluski, provided clarification on states accepting split state status from a survey by Dr. Rankin. Kansas, Oklahoma, Wyoming, Idaho, Alaska, and South Dakota accept the status. California, Canada, and North Dakota do not. He said Idaho and Wyoming have enhanced surveillance status in some areas but never implemented split state status.

Dr. Rankin updated the survey saying that historically Nebraska favors split state status (on TB), Washington does not, and Kansas accepts within a 20 mile border around the Yellowstone Park area.

John Cooney, Sweetgrass and Wheatland County rancher, spoke against split state status saying the state and federal government need to take care of the problem and producers will help them any way they can.

Jim Dorgan, said the MACO resolution opposing the split state status and the buffer zone was approved by 49-1.

Pat Flowers, Fish, Wildlife, and Parks, explained the elk surveillance program that has been in place around the Greater Yellowstone Area since 1981 becoming more intensive over the years. There is a typical 3% positive rate. He described the plan in place in case of increased risk from elk (with a trigger point of 5 %) and said more samples are needed to get a better picture.

**Recess:**

Chairman Hedstrom called a break at 10:30 a.m.

**Reconvene:**

The meeting reconvened at 10:45 a.m.

Alan Shaw, Royal Teton Ranch, questioned the IBMP operating procedures including management practices on the North side vs. the Westside. He stated landowner notification and communications protocol should be concurrent notification. He also questioned safety issues on RTR in regards to aboriginal hunting rights.

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Dr Zaluski, replied the Mr. Shaw's concerns stating the procedures do mostly address operations on the west side of the park, the same as in past documents. He would add notification of RTR to operations the north side. He noted that Fish, Wildlife, and Parks are responsible for hunting issues deferred that concern to Pat Flowers.

Pat Flowers, FWP, said that last year 2 tribes exercised their hunting rights. He expects those two plus possibly a third tribe this year. FWP tries to work cooperatively as they are sovereign nations. He also noted that aboriginal hunting rights only apply to unclaimed federal lands, not to the Park or private land so safety on the RTR should no be an issue.

**Jan French moved to accept the update version on the IBMP as amended (striking the last section in paragraph three and page nine, first sentence on number 3 add" as determined by the State Veterinarian"). Linda Nielsen seconded.**

Discussion followed with no question called.

**Jan French moved to approve the IBMP operating procedures as amended and authorize Christian Mckay and Dr. Zaluski to make minor changes. Becky Weed seconded.**

Discussion included clarification that the intent of the authority to make minor adjustments pertains to minor wording changes and does not include transportation issues. Copies of the final draft will be forwarded to all Board members for approval prior to signatures by the Executive Officer.

**The motion carried unanimously.**

**George Hammond moved that the Department of Livestock be responsible for bison transport within the IBMP operating procedure. Meg Smith seconded.**

George Harris explained that the bison transport costs are included within the Bison Cooperative Agreement and therefore expenses are covered by federal funds. He noted that two years ago transport was done by USDA APHIS at considerably more expense than traditional department costs.

**The motion carried unanimously.**

Board members summarized their thoughts on comments made today as follows:

Herd management processes and rancher initiatives are likely to be successful in preventing another case of brucellosis. It is the board's job is to consider what will happen if there is another brucellosis incident and to explore options other than split state. It is clear that the split state status is probably the last option to consider at this time. The board needs to start working on eliminating the disease, not management of the disease. The producer plan is great but the board should be ready by studying the 11 criteria and keep doing producer plans. They advocated looking at all information be it split state status, proactive approaches, the fence, or "drop dead". The emphasis should be on herd management plans; prevent it, mandatory calfhood vaccinations, adult booster vaccinations and If there is another outbreak, condemn the positive herd immediately. The board will study all the options and will not make a decision until all options are clarified. It was noted that Governor said if the people of Montana don't want it, we won't do it

Christian Mackay commented that the department cannot rely on IBMP and prayer, other tools are needed. Herd plans rely on alot of neighbor cooperation, what if a neighbor does not want to cooperate. The department is looking for direction from the board.

**Meg Smith moved to reject the split state status as it has been presented to the Board. George Hammond seconded.**

Discussion continued with opposition to fencing, some not ready to make decisions, look into every option, work on UMNR with USDA, proactive procedures, begin to look at the 11 criteria and bring dollar amounts to the next meeting, concerns regarding staff capacity, legislative issues, limiting movement and monitor. Members of the board felt the motion is too vague.

**Meg Smith rescinded the motion. George Hammond rescinded his second.**

**Meg Smith moved that the Board reject the concept of split state status for brucellosis. George Hammond seconded.**

Board comments included that the wording is still too vague, there will be people that have different interpretations on it, and there are problems with split state status. This motion is not 100% clear and the board does not want to tie the hands of the state veterinarian.

**The motion was rejected on a roll call vote:**

<u>Meg Smith</u>	<u>aye</u>	<u>Stan Boone</u>	<u>nay</u>
<u>Jan French</u>	<u>nay</u>	<u>George Hammond</u>	<u>aye</u>
<u>Linda Nielsen</u>	<u>nay</u>	<u>Becky Weed</u>	<u>nay</u>

**Recess:**

The chairman called a recess at 12:30 p.m.

**Reconvene:**

The meeting reconvened at 12:41 p.m.

**Becky Weed moved to support producer managed efforts to prevent brucellosis and investigate options other than split state status. Linda Nielsen seconded.**

Board discussion centered on looking at other options besides split state status but not to entirely remove it as an option. The goal is to protect Montana's Class Free status; this motion forces the board to find the best possible options.

**The motion passed on a roll call vote:**

<u>Meg Smith</u>	<u>yes</u>	<u>Stan Boone</u>	<u>no</u>
<u>Becky Week</u>	<u>yes</u>	<u>George Hammond</u>	<u>yes</u>
<u>Jan French</u>	<u>yes</u>	<u>Linda Nielsen</u>	<u>yes</u>

**Greater Yellowstone Association MOU**

**Meg Smith moved that the Board of Livestock recommend that Governor Schweitzer sign the MOU, dated December 4, 2006, which is already signed by the secretaries of Interior and Agriculture. George Hammond seconded.**

Dr. Zaluski said the MOU dated December 4, 2006, was sent to Montana with the signatures of Secretaries of Interior and Agriculture. USDA then recognized that it should have gone out to all states at once. He also noted that according to USDA APHIS this is not a flexible document, expectation is that the original document be signed. They cannot move on the UMNR edits until this MOU is signed. Christian Mackay said his understanding is that Wyoming is not inclined to sign anything until USDA brings their rules down with regard to brucellosis in wildlife. Wyoming is waiting for Montana and Idaho to sign.

**The motion carried unanimously.**

**Division Updates**

**BRANDS ENFORCEMENT REPORT**

**Personnel** - John Grainger said he is advertising for replacements for the 3 retirees from Brands.

**Horse Slaughter Bill** - John said they are seeing a noticeable increase in stray or abandoned horses resulting from the horse slaughter bill. Expenses are mounting because of the 30 day advertising requirement. He is working on amendments through ARM for that issue.

**Cattle Counts** - John noted that cattle head counts are 60,075 above last year be it good or bad.

#### MEAT INSPECTION REPORT

USAHA Meeting - Carol Olmstead reported that while attending the USAHA meeting in Reno she attended a food safety symposium containing information on e coli and e coli vaccination for cattle currently being used in Canada but not approved in the U.S. The National Association of Meat & Food Inspectors announced the next 12 states to be reviewed. Montana was not announced in that group.

Interstate Shipment Bill - Ms. Olmstead reviewed the latest version of the interstate shipment bill and commented that she has not heard comments from the industry on revisions yet.

#### ANIMAL HEALTH REPORT

IBMP Open House - Dr. Zaluski said the first IBMP Open House was held last January and the second open house is scheduled for December 4 either in Livingston or Bozeman. The purpose of which is to inform producers and the public about the IBMP, and to solicit comments. He added that within the scope of the IBMP many suggestions cannot be addressed.

RTR Lease - Dr. Zaluski said Pat Flowers of Fish, Wildlife, and Parks is the main negotiator on the Royal Teton Ranch lease. He continued that his main concern with the lease is DOL staffing needed for monitoring and management of Cutler Meadows north of the park. Funding is available now through bison operations but on a 30 year lease if funding is not there five years down the road the department will be committed to continue monitoring without the resources to conduct it.

Horse Butte Trap - Dr. Zaluski said the permit for Horse Butte Trap expires next year and the application to renew has been submitted.

Pat Flowers, of FWP, provided a briefing to the Board on the Royal Teton Ranch and the propose lease. The intent of the RTR grazing ranch buyout is a risk management plan, another tool in the IBMP plan. Removal of cattle from the RTR will allow movement of tested sero negative bison from

the park to forest service land on Cutler Meadows. It is proposed that 25 bison the first year, 50 the next year and if the bison stay in the proposed area an increased. Fencing plans, the environmental review, and funding package are

#### Trich Updates

Dr. Rankin reviewed the current trich rule addressing the need to rewrite part of the ARM trich rule and bringing a temporary fix for the board to consider. She provided a copy of a proposed official order to replace the current order which is sun setting. The proposed order does not have a sunset date and would remain in place until ARM amendments can be completed early next year.

**Becky Weed moved to accept the recommendation of Dr. Rankin to adopt the official order as presented. Jan French seconded.**

**The motion carried unanimously.**

West Nile Virus - Dr. Rankin reported that 32 horses tested positive for West Nile Virus this year, a third of which have died. She stressed that this is a preventable disease through vaccination suggesting the need for more education to the public.

Rabies - Dr. Rankin reported that a number of people required rabies prophylactics in Montana this year. Rabies reports were more numerous this year all over the state and several counties were quarantined. Six animals are currently confined in close quarters for six months. She continued that the department must maintain records, generate reports, do follow up check on quarantined animals, and follow up any reported possible human or animal exposure to a rabid animal. The department is tasked by statute to carry out these duties for public health. Dr. Rankin suggested the board consider requesting more public health funding and general funding. Livestock people should not be paying for zoonotic disease staffing and regulation.

Border Opening to Canadian Cattle - Dr. Rankin said the border is being opened to Canadian cattle on November 19, by USDA. The department has not received any rules from USDA yet. She

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provided documentation on what Utah and Washington are doing, explained additional restrictions imposed by Dr. Linfield on Canadian feeder cattle in 2005, suggesting the department implement somewhat stricter rules than USDA might put into place.

**Vice-chair, Jan French took over the meeting at 1:45.**

MILK & EGG PESTICIDE UPDATE

Christian Mackay said test results are in on the pesticide residue found in a dairy reported by Dan Turcotte yesterday. The actionable level on this pesticide set by the FDA is .012 parts per million. The levels found at the lab was .006 (half the actionable level) so no further action will be taken by the Milk and Egg Inspection Bureau

CENTRALIZED SERVICES REPORT

Budget - George Harris reported that each division is within their budget. He added that rising supply, overtime, and fuel costs are being felt by all. He reviewed the number of unfilled positions within the department that are used for vacancy savings where applicable. Revenues are keeping up with where they were last year and he anticipates approximately \$1 million at the end of the year in the State Special Revenue fund.

Livestock Loss Reduction and Mitigation Board - Mr. Harris reported the hiring of George Edwards as administrative specialist to the board. Elaine Alstead has been appointed as Chairperson. Other board members appointed include Larry Trexler, Hilard McDonald, Janelle Holden, Darrel Olson, Alan Redkey, and Whitney Wankel.

Milk Control Bureau - Monte Nick reported that class one milk price is at \$24 down 14 cents from the previous price. The all time high (in October) was \$24.26/hwt. Production went down over the previous month. A producer in Manhattan bought three other carriers and he expects production to come back up. The number of Country Classic producers in 2001 was about 80, now there are 42, and Meadow Gold has 41 producers. Meadow Gold is only about 10% behind Country Classic in production. The board tasked Monty to provide a report on milk control issues, background and history.

COMMUNICATION TO THE GOVERNOR

The board suggested the need to communicate board decisions on the MOU and split state status in writing to the Governor. Mr. Mackay offered to draft a letter and forward it to the board for approval.

**Adjournment**

The meeting was adjourned at 2:32 p.m. by Vice-chair Jan French.

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BILL HEDSTROM, CHAIRMAN  
BOARD OF LIVESTOCK